IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

LA.App..No. 689 of 2006(B)

LAR.435/2001 of ADL.SUB COURT, THALASSERY
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APPELLANT: RESPONDENT:

STATE OF KERALA.

BY ADDL.ADVOCATE GENERAL
GOVERNMENT PLEADER SMT. K.R.DEEPA

RESPONDENTS: CLAIMANTS:
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1. NELLIYATTU PUTHIYAPURAYIL ASMA,
W/O. MAYAN, SHAMEER MANZIL, KUMMANAM,
P.O. ELAMPARA.

2. NELLIYATTU PUTHIYAPURAYIL SHAMENA,
W/O. MAYAN, SHAMEER MANZIL, KUMMANAM, P.O.ELAMPARA

3. NELLIYATTU PUTHIYAPURAYIL SHAHILA,
W/O. MAYAN, SHAMEER MANZIL, KUMMANAM,P.O.ELAMPARA.

4. NELLIYATTU PUTHIYAPURAYIL RUFAIDA,
W/O. MAYAN, SHAMEER MANZIL, KUMMANAM,P.O.ELAMPARA.

THE STATUS OF RESPONDENTS 2, 3 AND 4 ARE CORRECTED AS D/O. MAYAN, SHAMEER MANZIL, KUMMANAM,P.O.ELAMPARA AS PER ORDER DATED 8.3.2007 ON IA 772/07.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.689 of 2006-B

Dated: November 20, 2007

JUDGMENT

Kurian Joseph, J.

This appeal is filed against the judgment and decree in LAR No.435 of 2001 on the file of the Additional Sub Court, Thalassery. The acquisition is for the purpose of Kannur Airport. Though the reference court found that the property covered by LAR No.28/2000 is not similar and comparable to the acquired property, the same standard has been adopted for fixing the land value in this case. Once the reference court entered a finding that the land is not similar and comparable to the acquired property, there is no point in adopting the same standard. The learned Government Pleader points out that in several cases relating to the Kannur Airport, this court has remanded such matters and one such case is LAA No.556/2001.

2. There is no representation for the respondents.

3. Accordingly, we set aside the judgment and decree in LAR No.435/2001 and remit the matter to the reference court for proper fixation of the land value. The reference shall be answered within a period of six months from the date of receipt of a copy of this judgment.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

mt/-